

Appln No. 10/647,076
Amdt date August 15, 2005
Reply to Office action of February 14, 2005

REMARKS/ARGUMENTS

In the Office Action dated February 14, 2005, the examiner asserts that the Declaration under 37 C.F.R. 1.132 filed January 20, 2004 is insufficient to overcome the rejection of claims 1-14. According to the examiner, that Declaration does not provide evidence commensurate in scope with the claims. In that regard, applicants submit herewith a supplemental Declaration under 37 C.F.R. 1.132, which reports the results of studies conducted on the plant-cultivating containers described in the claims. Specifically, the supplemental Declaration reports the growth of rucola seedlings in plant containers having polyester, cellophane and polyvinyl alcohol films. When read together with the original Rule 132 Declaration, this Declaration evidences the unexpected results achieved by the claimed plant-cultivating containers. In particular, the hydrophilic films of the present invention enable smooth plant growth even over long-term cultivation.

In addition, the examiner maintains the rejection of claims 1-4, 7 and 12-14 under 35 U.S.C. § 102(b) as allegedly anticipated by Weder, et al. (U.S. Patent No. 5,363,592). In so rejecting, the examiner asserts that Weder discloses the use of cellophane and that Weder's system is "capable of keeping water from directly contacting the receiving portion." However, applicant has amended each of independent claims 1, 8 and 12 to recite a non-porous hydrophilic film to which substantially no hydrophobic film is superimposed which prevents direct contact between the receiving portion and external water. Weder fails to teach or suggest such a feature. Rather, Weder discloses the use of a liner to enable the reuse of the container. (Column 2, lines 6-10). Accordingly, the system disclosed in Weder appears to leave no space between the container and the liner, in which space external water would be placed. If Weder's system had such a space, the container would be susceptible to contamination, and would therefore not be reusable.

Moreover, the container disclosed in Weder has a hole in the bottom of the container and a corresponding hole in the liner. (Column 2, lines 10-12). These holes are provided for draining fluids from the container retaining space. (Column 2, lines 21-22). The provision of

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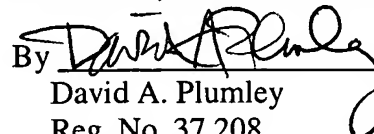
such a hole in the liner evidences the presence of water inside the liner. As such, the liner disclosed in Weder does not prevent direct contact between the receiving portion and external water, as presently claimed. Therefore, independent claims 1, 8 and 12, and all claims dependent therefrom, including claims 2-4, 7, 13 and 14, are allowable over Weder.

The examiner also maintains the rejection of claims 5 and 6 under 35 U.S.C. § 103(a) as allegedly obvious over Weder. However, claims 5 and 6 each depend from claim 1, which is allowable over Weder as discussed above. Therefore, claims 5 and 6 are also allowable over Weder.

Finally, the examiner maintains the rejection of claims 8-11 under 35 U.S.C. § 103(a) as allegedly obvious over Weder in view of Sakai, et al. (JP 7-45169). However, as noted above, amended independent claims 1, 8 and 12 recite a non-porous hydrophilic film to which substantially no hydrophobic film is superimposed which prevents direct contact between the receiving portion and external water. Neither Weder nor Sakai teaches or suggests such a feature. Specifically, Weder fails to disclose a film which prevents direct contact between the receiving portion and external water, as discussed above. Also, Sakai appears to require the use of a hydrophobic microporous film. Accordingly, independent claims 1, 8 and 12, and all claims dependent therefrom, including claims 9-11, are allowable over Weder and Sakai.

Claims 1-14 remain pending in this application. Applicants have amended claims 1, 8 and 12 and submit that each of pending claims 1-14, as amended, are in condition for allowance. Applicants therefore request a timely indication of allowance. However, if there any remaining issues that can best be addressed by telephone, applicants ask the examiner to contact applicants' counsel at the number below.

Respectfully submitted,
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